IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8843 of 2005

Between:

Jassa Subba Rao, S/o. Venkateshwarlu,
Savalyapauram Village and Mandal, Guntur District.

... PETITIONER

AND

1 The Joint Collector, Guntur District, Guntur.
2 The Revenue Divisional Officer, Narsaraopet, Guntur District.
3 The Mandal Revenue Officer, Savalyapuram Mandal,

Guntur District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Pass an order or direction or writ under Article 226 of the Constitution of India, more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in not registering my appeal and the stay petition filed on 31.3.2005 against the order passed by the second respondent in Rc.No.412/2005-B dt. 25.3.2005 as illegal, arbitrary, bad and against the principles of natural justice and consequently direct the first respondent to register my appeal filed agaisnt the order of the second respondent in Rc.No.412/2005-B dt. 25.3.2005 and pass necessary orders on the stay petition during the pendency of the appeal.

Counsel for the Petitioner: MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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O R D E R:

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Questioning the action of the 1st respondent in not hearing the appeal, as well as the stay petition, filed on 31.3.2005 against the order passed by the 2nd respondent, suspending the Fair Price Shop dealership, the petitioner filed the writ petition.

The petitioner is the Fair Price Shop Dealer of Saalyapuram village and Mandal, Guntur District. Based on the report of the 3rd respondent, Mandal Revenue Officer, to the effect that there was variation of 20 Kgs. of rice and 55 litres of kerosene oil in surplus, in the shop of the petitioner, at the time of inspection by the Vigilance and Enforcement officials, the 2nd respondent without conducting any preliminary enquiry passed the impugned order dated 25.3.2005, suspending the authorization of the petitioner, pending enquiry. The stocks in the shop were seized and handed over to the Panchayat Secretary under proper acknowledgment. Aggrieved by the order of suspension, the petitioner preferred an appeal before the 1st respondent on 31.03.2005. Contending that no orders have been passed so far either in the appeal or in the application for stay, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

In view of the fact that the appeal filed by the petitioner against the order of suspension is pending before the 1st respondent, without expressing any opinion on the merits of the case, I deem it appropriate to direct the 1st respondent, Joint Collector, Guntur, to dispose of the appeal within a period of six weeks from the date of receipt of a copy of this order. Since the variation found in the shop of the

petitioner is paltry, the respondents are directed to continue the petitioner as Fair Price Shop dealer, till the disposal of the appeal before the 1st respondent.

With the above directions, the writ petition is disposed of at the stage of admission. No order as to costs.

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27th April 2005

Note: Operative portion by wire.

(B/o)

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To

1 The Joint Collector, Guntur District, Guntur.
2 The Revenue Divisional Officer, Narsaraopet, Guntur District.
3 The Mandal Revenue Officer, Savalyapuram Mandal,

Guntur District.

4 Two C.Cs. to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two C.D.copies.